

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

15 Before the court are a series of filings (Docs. ## 116, 123, 129 and 133)¹ which arose relative to
16 this court's hearing on Plaintiff's objections to Plaintiff's grievances which were produced by Defendants.
17 See, Doc. # 89, Minute of Proceedings, August 26, 2014.

18 Historically, Plaintiff Collins had contended certain pages of his grievance files were either
19 missing or blurred. (Doc. # 58.) Plaintiff was directed to more specifically identify the relevant
20 grievances. (Doc. # 60.) Plaintiff responded to the court's order in his Notice of Compliance. (Doc. # 61.)
21 Defendants also responded by filing their opposition to Plaintiff's Notice of Compliance and submitted
22 the grievances in question (Doc. # 65), to which Plaintiff objected. (Doc. # 66.)

23 The court conducted a hearing on, among other issues, Plaintiff's objections to the photocopied
24 grievance files. (Doc. # 58.) After hearing presentations of the parties, the court directed Defendants'
25 counsel to contact Lovelock Correctional Center and verify the legibility and completeness of Plaintiff's
26 relevant grievances. (Doc. # 68.) Defendants filed a Notice of Compliance (Doc. # 75). Plaintiff objected
27 to the Notice (Doc. # 79) and Defendants responded (Doc. # 85).

¹ Refers to court's docket number.

1 The court conducted another hearing on the grievance issue. Defendants' counsel represented
 2 that, according to LCC's Associate Warden, the grievances provided Plaintiff were complete. Those
 3 grievances which were blurred were compared to the originals on file and were determined to be the best
 4 copies available. Plaintiff objected and argued the grievances, or at least portions of the grievances, were
 5 still incomplete or illegible.

6 In an effort to resolve this discovery dispute, the court directed Defendants to undertake another
 7 attempt to secure full, complete and legible copies of the relevant grievances:

8 In attempt to eliminate any contention or confusion regarding Plaintiff's grievance file,
 9 the court directs Mr. Young to retrieve from LCC the specific grievances identified in
 10 Plaintiff's filing Doc. # 61, page 2. Mr. Young shall then bates stamp the original
 11 grievances, make copies of those bate stamp originals and then produce the copies to
 12 Mr. Collins. Mr. Collins shall thereafter be afforded the opportunity to compare and
 13 inspect the original (now) bates stamp grievances to the bates stamp copies in an
 14 appropriate designated area determined by WSCC, where Plaintiff Collins is now housed.
 If Mr. Collins continues to assert specific bates stamp grievance copies are illegible, then
 he shall identify those specific bates stamp grievance(s). Mr. Collins shall be afforded
 the opportunity to request WSCC to make copies of those identified original bates stamp
 grievances. The court directs that Mr. Young file a notice of compliance with the court
 regarding this procedure and attach copies of the bates stamp grievances that are being
 provided to Mr. Collins.

15 (Doc. # 89 at 2-3.)²

16 Thereafter on October 30, 2014, Defendants filed a Notice of Compliance with the court's order.
 17 (Doc. # 116.) Defendants represented their counsel personally met with Plaintiff to allow Plaintiff to
 18 compare the original grievances with the copies. (*Id.*) Plaintiff objected to Defendants' Notice,
 19 contending again the grievances were either incomplete or illegible. (Doc. # 123.) Defendants responded
 20 to Plaintiff's objection. (Doc. # 129.) Defendants submitted a Declaration of Lovelock Correctional
 21 Center's Associate Warden, Tara Carpenter, regarding Plaintiff's grievances. With regard to Plaintiff's
 22 "blurriness" contention, Ms. Carpenter stated that the quality of the printing "is not in the printing, or
 23 maintenance of the grievance, but in the NOTIS data base itself during the transcription of the grievance
 24 into NOTIS. (Doc. # 129-1 at 3.) Ms., Carpenter also produced a "clear copy" of Plaintiff's grievance a
 25 about LCC's "Door Call Policy." (*Id.* Doc. # 129-1 at 5-22; Doc. # 129-2.)

26 Plaintiff replied in Doc. # 133. As best as the court can interpret Plaintiff's argument, he confirms

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 28 ² The Defendants objected to this court's order regarding clarification of the grievances. (Doc. # 92.) Defendants'
 objection was overruled by District Judge Robert C. Jones. (Doc. # 110.)

1 he has been provided clear or legible copies of the grievances; however, he argues these copies should
2 have been produced earlier and the earlier productions were incomplete. Plaintiff states, "this court must
3 investigate into defendants actions regarding plaintiff's inmate grievances and his objections." Plaintiff
4 also wants the court to "hold a form of hearing and order Defendants to turn over Plaintiff's Inmate
5 grievance file to the court in its complete original folder." (Doc. # 133 at 3-4.)

6 **DISCUSSION**

7 The issue of Plaintiff's grievance file has been exhaustively reviewed by the court. See Doc.
8 ## 68, 89. While there may have been certain irregularities or inconsistencies with regard to the
9 production of Plaintiff's grievances, the court is satisfied that the productions are now as complete and
10 accurate as possible. The court does not view the grievances, or the copies of the grievances, as
11 substantively impacting the Plaintiff's civil rights claims.

12 The court does not believe it appropriate to receive the original grievance file during this phase
13 of the litigation. If the case proceeds to trial, Plaintiff can argue at that time that the original grievance
14 file should be produced by Defendants or make other arrangements to secure its availability, e.g., a
15 subpoena duces tecum.

16 This discovery issue is concluded. Any "grievance" issues remaining by reason of this court's
17 prior hearings (Doc. ## 68, 89) are deemed **MOOT**. Plaintiff's Objection (Doc. # 123) to Defendants'
18 Notice of Compliance (Doc. # 116) is **OVERRULED**.

19 **IT IS SO ORDERED.**

20 DATED: December 30, 2014.

21 
22 WILLIAM G. COBB
23 UNITED STATES MAGISTRATE JUDGE

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